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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,196	06/28/2003	Michelle Jillian Fuwaua	3715-027	7594
22440	7590	07/13/2005		
GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 100160601			EXAMINER MISKA, VIT W	
			ART UNIT 2841	PAPER NUMBER

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/609,196

**Applicant(s)**

FUWAUSA, MICHELLE JILLIAN

**Examiner**

Vit W. Miska

**Art Unit**

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8,10,12,13 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,10,12,13 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,2,6,8 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by the new Japanese reference 53-65764. The reference discloses a watch having a case with bottom 30, crystal 4, sidewall 28, watch face with dial 14, 16, 18 having indicia for indicating time disposed at an angle with respect to the crystal, and radiation emitting element 8 disposed in a cavity as shown in Fig. 2 and oriented to direct radiation to illuminate the dial and face with indicia.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-5, 10, 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese reference 53-65764, as applied above, in view of the Patent to Ueno et al. The Japanese reference does not suggest LED or a UV LED as the radiation source. However, Ueno et al teach use of an ultraviolet ray emitting element (30) comprising a light emitting element, such as an ultraviolet ray-emitting diode (LED) (col. 8, lines 40-43). It would be obvious for one skilled in the art, at the time the invention was made, to use an UV LED as the radiation source in the Japanese reference to enhance the visibility of the display.

3. Regarding claim 4, Ueno et al teaches luminescent layers (15) that react to UV light (col 4, lines 25-26), corresponding to the indicia formed of a UV sensitive material that renders indicia visible in the presence of UV radiation. Regarding claim 5, Ueno et al teaches that the crystal (3) is coated with a UV reflective material (34) and the device is arranged to generate some radiation toward the crystal (3), which radiation is then reflected toward the watch face (see Fig. 19). It would be obvious for one skilled in the art to further add such a coating to the crystal of 53-65764 to maximize illumination of the dial.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese reference 53-65764. Official notice is taken of the design of watches having a square watch face shape. One of ordinary skill in the art would be sufficiently cognizant of such

designs to make the watch of the reference with a square shape as one of several design shapes suited to personal preference.

5. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese reference 53-65742 in view of Ushikoshi. The Ushikoshi reference discloses two separate dials 33, 45 comprising a watch face. It would be obvious for one skilled in the art to provide two dials as part of the inclined watch face in the Japanese reference, as a means to display additional data or display data in different formats, as taught by Ushikoshi.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, K. Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VM  
7/11/2005

  
Vit Miska  
Primary Examiner